IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 2222/2004

M/S SHREE MAHAVIR ENTERPRISES
Vs.
JAIPUR MUNICIPAL CORPORATION & ORS.

Date: 22.08.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

None present for the petitioner.
Mr. Shyam Arya for the respondents.

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By way of this writ petition, the petitioner-firm has challenged the order impugned dated 24.03.2004 issued by the Additional Chief Engineer, Jaipur Muncipal Corporation, Jaipur, whereby the petitioner-firm has been debarred from participating in the tenders/contracts issued by the Jaipur Nagar Nigam and also blacklisted the petitioner-firm.

The said order dated 24.03.2004 has been challenged by the petitioner on the ground that the respondent No.3 has debarred the petitioner-firm vide Annexure-1 for indefinite period from taking participation in the tenders/contracts without giving any reasonable opportunity of hearing or issuing show cause notice. Therefore, after serving notice for

demand of justice through his counsel, the petitioner has preferred this writ petition.

I have gone through the impugned order dated 24.03.2004 issued by the respondent No.3.

A bare perusal of the order impugned dated 24.03.2004 would reveal that at the time of debarring the petitioner-firm from participating in the tenders/contracts, no show cause notice was issued to the petitioner and further as per the settled proposition of law laid down by the Hon'ble Supreme Court, before blacklisting the person/firm, opportunity of being heard is must following the bare minimum principles of natural justice.

In view of the observations made herein above, the present writ petition stands allowed and the impugned order dated 24.03.2004 is hereby quashed and set-aside.

However, the respondents are at liberty to issue show cause notice calling upon the petitioner as to why the petitioner be not debarred from taking participation in the tenders/contracts and after giving opportunity of being heard can pass fresh order.

(K.S. RATHORE),J.

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